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Amorous Relationships

Saint Mary's College of California

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Amorous Relationships

Amorous relationships are those romantic or sexual relationships to which both parties appear to have freely consented. When such a relationship involves a power differential between two members of the College community, it is of concern to the College, and such relationships should be avoided due to:

- The potential conflict of interest that arises when an individual supervises, evaluates, coordinates, directs, advises, hires, terminates, instructs, promotes, or grants pay raises or other benefits to another person, or provides professional services (e.g., counseling) to another individual with whom that person has an amorous relationship.

- The potential for unintended consequences that results because these types of relationships may develop or exist solely as a result of the power differential, which may or may not involve sexual harassment as proscribed by the College's policy prohibiting sexual harassment.

Policy

The College discourages amorous relationships where there is a power differential between the parties or where the potential exists for such a power differential in the foreseeable future. Three examples of relationships involving power differentials are (This list is not all-inclusive.):

- That between faculty and student, including those involved in formal instruction, advising and tutoring.
- That between staff and student.
- That between employee and supervisor.
- That between the provider (e.g., staff) and recipient of educationally related College or College- related services (including those involved in counseling, student services such as registration and financial aid, and athletic coaching).

Of special concern to the College are amorous relationships initiated between a faculty or staff member and a student while the former is instructing, advising or mentoring the latter. Such circumstances pose extraordinary risks of compromising or appearing to compromise the College's central mission and of breaching the faculty's commitment to the welfare of its students. Hence, the College expects faculty members and staff employees to refrain from initiating or participating in such a relationship.

Procedures

If an amorous relationship exists or develops between individuals having a power differential within the College, the person with greater power shall report the relationship to an appropriate supervisor or to the Chief Human Resources Officer. The supervisor or the Director shall make suitable arrangements:

- To ensure the objective evaluation of that person's performance, and
- To protect affected individuals and the integrity of the College's functioning as well as the confidentiality of all those involved.

Other Considerations

Employees engaged in conduct of the type described in this policy may also violate the College's policy prohibiting sexual harassment. In addition, all faculty members, supervisors, and other employees should understand that there are substantial risks even in consenting amorous relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. A faculty member's or supervisor's protection under applicable law, including legal representation provided by the College, may not apply because such relationships may be outside the scope of one's employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to establish where a power differential exists. Even relationships in which there is no direct power differential may cause difficulties because faculty or staff employees engaged in such a relationship may, in the future, be placed in a position of responsibility for the student's or employee's instruction or evaluation.

Sanctions

The process for investigating an alleged violation of the of the College's Amorous Relationship Policy and the sanctions for a violation of this Policy are the same as the process for investigating

possible violations of the College's Non-Discrimination (Sexual Harassment) and Retaliation Policies and the sanctions for violation of these Policy, which may include administrative leave without pay, transfer, demotion and termination.